

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/656,583	BAENSCH, MICHAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dmitry Suhol	3725	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment filed 12/6/2005.
2. ☒ The allowed claim(s) is/are 1 and 3-14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                     | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>013106</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                       |
|   | 9. <input type="checkbox"/> Other _____  |

*D. Suhol*  
D. Suhol

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew Wilford on January 18<sup>th</sup>, 2006.

The application has been amended as follows:

Claim 1, line 5, after "...a crank-shaft gear fixed on the crank shaft..." insert - - and positioned on a weight plane substantially perpendicular to the axis - -.

Claim 1, line 13, after "...opposite the tie rod and orbiting in..." delete "a" and insert - - the - -.

Claim 1, lines 13 and 14, delete "...substantially perpendicular to the axis..."

Claim 1, line 17, after "...a counterweight gear fixed on the counterweight shaft..." insert - - and positioned on the weight plane - -.

Claim 14, line 5, after "...a crank-shaft gear fixed on the crank shaft..." insert - - and positioned on a weight plane substantially perpendicular to the axis - -.

Claim 14, line 13, after "...opposite the tie rod and orbiting in..." delete "a" and insert - - the - -.

Claim 14, lines 13 and 14, delete "...substantially perpendicular to the axis..."

Claim 14, line 17, after "...a counterweight gear fixed on the counterweight shaft..." insert - - and positioned on the weight plane - -.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: The specific limitations of (with respect to claim 1 and 14) "...a crank-shaft gear fixed on the crank shaft and positioned on a weight plane substantially perpendicular to the axis... a compensating weight fixed eccentrically to the crank opposite the tie rod and orbiting in the weight plane on rotation of the crank... a counterweight gear fixed on the counterweight shaft and positioned on the weight plane..." are not anticipated or made obvious over the prior art of record in the examiners opinion. For example, Rehag '369 discloses a drive for reciprocating a roll stand which teaches a crank (figures 6-7, part of crank drive K, see col. 4, lines 33-34), a tie rod (rod 5), a compensating weight (weight A, figures 6-7), a counter weight offset along the weight plane from the crank (weight B2, figures 6-7), a drive means connecting the counterweight to the crank (motor as described in col. 3, lines 14-15 and associated gearing 10, 11 and 12). Shafts carrying the compensating weight and counterweight and gearing are shown in figure 6 as shafts 7-9 and gearing 10-12. However prior art of record fails to teach or disclose the relationship of a crank-shaft gear, a compensating weight, a counter gear and counterweight shaft with a planar positioning as claimed and in combination with the remainder of the claimed elements.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-272-4430. The examiner can normally be reached on Mon - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Suhol  
Examiner  
Art Unit 3725